

The time to act has long since passed. We need to approve Rockefeller-Bond, and we need to do it this week.

Some of our friends on the other side say they will not vote for cloture on Rockefeller/Bond because they could not amend it. No one should be deceived by this complaint. The amendments they want would transform it into a replica of the partisan bill that was reported out of the Judiciary Committee last fall. In other words, allowing amendments would guarantee failure.

Some of our friends on the other side say they want a 1-month extension. Never mind that we have had 10 months to act already. No one should be deceived by this complaint either. The real reason for the 1-month extension, of course, is to give Members who vote in favor of it the political cover they need to vote against Rockefeller/Bond. This is another clever way to make the bill fail.

Some of our friends on the other side say we are wrong to insist that phone carriers who may have cooperated with the Government in tracking terrorists be immune from lawsuits. The implication is that this is some kind of a favor for big business. But this advice is coming from the intelligence community, not politicians, because they know that we could never expect these companies—or any others—to cooperate in the future as long as the threat of a lawsuit looms.

Finally, some of our friends accuse us of being scaremongers for urging passage now. But the terrorist threat has not diminished since 9/11. It hasn't expired. The Director of National Intelligence assures us it hasn't. The memory of 9/11 tells us it has not. Attacks in Madrid and London and Bali tell us it has not. And the terrorists themselves tell us it has not. The threat is real. And we cannot let success in preventing another one keep us from staying on offense with all the tools and resources we have. The bottom line is this: by voting for cloture on Rockefeller/Bond, Members will guarantee that this important antiterror tool does not expire. And those who vote against it are voting either to delay its reauthorization or to weaken, not strengthen, our terror-fighting tools.

Fixing FISA is within our grasp. Will we come together and embrace the compromise approach that protects us, and doesn't force companies to make a false choice between the good of the firm or the good of the country or will we go the partisan route? It would be a worrisome sign indeed if the first bill Democrats filibuster this year deals with national security. We must resist the mistakes of last year, and act.

Last week, we saw the kind of tough compromise that's necessary when lawmakers are more concerned about making a difference than making a political point. Now it is our turn. The second session is young. But the choices we make this week will define

us. And in my view, it is a welcome opportunity.

Here in the second week of the session we have a chance to show Americans that we can work together on their behalf, to solve problems; to protect their security and protect their wallets. This is a defining moment for the 110th Congress. Let's put the mistakes of last year behind us. Let's show that the U.S. Senate can get the job done.

I yield the floor.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period of morning business until 3 p.m., with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided between the two leaders or their designees.

The Senator from Utah is recognized.

DEATH OF GORDON B. HINCKLEY,

Mr. BENNETT. Mr. President, as the majority leader noted, last night Gordon B. Hinckley, the oldest serving president of the Church of Jesus Christ of Latter-day Saints in the history, passed away. He was 97 years old. Many might think that in lasting until 97 he passed away as a wasted, worn-out man. That is not true. President Hinckley was energetic and enthusiastic and fully engaged within just a day or two of his passing. With my senior colleague Senator HATCH, I have had meetings with him and the other leaders of the church and was always amazed at how well connected he was. He read the papers. He watched the television. He knew what was going on in the world outside the church every bit as much as we did. His memory was phenomenal. There are many people who were 20 to 30 years his junior who could not remember current items of news as well as he could.

So it is appropriate we take a moment or two to comment on the stewardship and contribution of this great man at the time of his passing. We do not mourn for him. He has joined his wife, his parents, and those others who have gone before him who may have a little sense of "Gordon, what took you so long?" But he stayed at his job and he fulfilled his stewardship in an impressive manner. The mourning we have on this occasion is mourning for ourselves, for the loss we have sustained in seeing this great and good man go on.

I have made mention of his energy. I should also mention his enthusiasm. He had a great zest for life. He was always looking forward to the next activ-

ity and the next opportunity. Along with his energy and enthusiasm, he was a man of humility and humor. You were never quite sure when he stood at the pulpit to speak if he was going to say something that would put you at ease and make you laugh, because that happened much more often than it did with some others who were a little more serious in their message. His messages were always serious, but they always had that touch of humor.

The last message we heard from him, speaking to the entire world in general, and to the church specifically, was his sermon of last October. I am sure he did not know that would be his final sermon to the members of the church. But it started out again with a touch of Hinckley humor. He noted, as he stood to speak, that singers will sing the same song over and over again, as people ask them to perform; orchestras will play the same symphony over and over again; but speakers are always expected to say something new. He said that bothered him a little, as he was going to repeat a sermon he had given before. After we smiled at his early comments, we heard a lecture on anger. He talked about the toxic effects of anger and how we should do our very best, both in our personal lives and in our professional lives, and, if I may, here in the Senate in national dialog, to do away with the sense of anger.

I have just returned from the annual session in Davos, Switzerland, where I heard a lot of people who could benefit from that sermon, as there was a lot of anger people had toward other governments and other government officials.

I will not in any way attempt to capsize what President Hinckley had to say about anger, except to demonstrate that this was his benediction prior to his death to the members of his church, telling them not to be angry with their families, not to be angry in their communities, and not to be angry with the world.

A former Apostle of the Lord Jesus Christ, Paul, spoke in his letter to the Corinthians about the three most important attributes of a Christian: faith, hope, and charity. Gordon B. Hinckley spoke of these same attributes and lived them in his life. But he put them, if you will, in modern terms: optimism, confidence, and love. A sermon telling us not to be angry with our fellow men is a fitting capstone to the stewardship of this man. It is a modern way of saying Paul's term "charity" or the pure love of Christ. We shall miss him.

The ACTING PRESIDENT pro tempore. The Senator from Utah, Mr. HATCH, is recognized.

Mr. HATCH. Mr. President, I ask unanimous consent that I may speak for about 5 minutes on Gordon B. Hinckley.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. HATCH. Mr. President, I associate myself with the remarks of my colleague from Utah, Senator BENNETT.

He basically stated in very articulate terms how important President Gordon B. Hinckley was, not just to Senator BENNETT and myself, but to people all over the world.

I express my deepest empathy, sympathy, and love to the family of Gordon B. Hinckley. I agree with Senator BENNETT, that President Hinckley in dying was happy to go and again be with his beloved eternal companion, Marjorie, whom he missed, who died about 4 years before him, and to be with others he has known here on this Earth, and others he would like to know who helped to make this country the greatest in the world, and many others as well. I extend my deep sympathy to his family—a wonderful family; they are terrific people.

President Hinckley was as ecumenical as a person could be. He led a worldwide church, the fifth largest church in America, the Church of Jesus Christ of Latter-day Saints. He basically taught all of us to understand that all religions are good and that we should work together. I don't think there has been a humanitarian mission or a major disaster anywhere in the world where the Church of Jesus Christ of Latter-day Saints—nicknamed the Mormons—hasn't cooperated with Catholic charities and other Christian charities—especially Catholic charities—to immediately go into action and provide the needed food, clothing, pharmaceuticals, et cetera, all over the world. These two charities have done so much. He made sure our members—13 million strong around the world—participated in each humanitarian concern. In fact, we have thousands and thousands of humanitarian missionaries all over the world. Many are older people who are retired and are giving 18 months, or even more, of their time—and some less—to be able to bring humanitarian help to people all over the world. This man led that. He was also a great business leader. Imagine, we had a man like this run this very important worldwide church.

Senator BENNETT mentioned his sense of humor. You hardly heard a set of remarks by President Hinckley where he didn't very wittily make his points even better than he would have if they were just stern and tough. He was never stern and tough, unless it was essential. He was always kind and loving. He was kind to me. Elaine, my wife, and I personally love him and we are going to miss him very much. He traveled all over the world. I have traveled all over the world, and generally have done it on military planes with military liaisons helping us and carrying our bags, doing everything to make it a reasonable trip. I come back beat every time. In every case, I wanted to kiss the ground when I got back here. He traveled extensively all over the world, almost a million miles. In that regard, I pay tribute to Jon Huntsman, Sr., who made it possible in his later years for him to have a very good airplane that I think extended his

life for a longer period of time for the benefit of mankind all over this world. It was a wonderful thing.

He had love for all human beings and he expressed that love not only through his words but also through his actions.

I might add that, as Senator REID mentioned, he established the perpetual education fund where members of our faith donate millions of dollars every year to help unfortunate young people in these foreign lands to be able to go to school and raise their educational level so they can become leaders in their own country, and so they can make great contributions. I think it is one of the most inspired things I have ever seen. We have thousands of young men and women who are now leaders in their countries—teachers, doctors, lawyers, and others—all because of the vision of this great man, whom we call a prophet.

I might mention that in his travels he dedicated dozens of temples, the most of any president of the church, all over the world. To LDS people those temples are extremely important. We believe marriage is so sacred and it is for all eternity, not just this life. Frankly, we try to live that way. Many do. These temples are extremely important to us. He went all over the world doing it.

I can truthfully say this is a man I loved. He was a profound influence on Senator BENNETT, me, and millions of others. He was a man who got along with leaders of other faiths. He taught us we must respect everybody.

Today I add my voice to those of 13 million other members of the Church of Jesus Christ of Latter-day Saints in bidding farewell to our beloved prophet, President Gordon Bitner Hinckley. His death late yesterday in his home in Salt Lake City has reminded us that all good things must come to an end. It is a sad day for all Utahns. We have lost our friend, our leader, and our fellow servant. President Hinckley lived great, and he died great in the eyes of God and his people, leaving behind him a fame and a name which will be known for generations to come.

In our effort to follow in President Hinckley's footsteps, Latter-day Saints found they had to lengthen their stride to keep up with him. Even into the sunset of his life, President Hinckley was indefatigable. He set a vigorous pace, traveling the world and sharing his message of service, love, and compassion with millions of all faiths. Everywhere our prophet traveled, he succored the weak, lifted the hands which hung down, and strengthened the feeble knees. When I think of the blessing President Hinckley was to those around him, I am reminded of the words from the great Mormon hymn, "Every day some burden lifted, every day some heart to cheer, every day some hope the brighter, blessed honored pioneer."

President Hinckley was born to humble surroundings on June 23, 1910, in

Salt Lake City, UT. He attended public schools, and graduated with a bachelor's of arts from the University of Utah. His first job was as a newspaper carrier for Utah's Deseret News. This modest start with a newspaper was a prelude of things to come. President Hinckley became the most media savvy leader the LDS Church has ever known, sharing his warmth and spirit with countless reporters, cultivating great friendships with notables like Larry King and Mike Wallace. Wallace once described President Hinckley as "a man I admire and I love really, because he's just an extraordinary guy."

As many Latter-day Saints do, Gordon B. Hinckley served a mission for the church while he was young. President Hinckley served in Great Britain in the 1930s, sharing the gospel's message of peace and hope during a time of great political and economic turmoil. Discouraged by the lack of receptivity he found among the Britons, he confided his dismay to his father, who instructed the young Gordon to "forget himself and go to work."

Young Gordon did, both in Great Britain and in the 70 years of service that followed.

His love of God fueled his love of country. President Hinckley carried the torch of patriotism, and the spirit of America burned in his heart. He once said, "I love America for [its] great constitutional strength, for the dedication of its people to the peace and the prosperity of the entire earth. I love America for the tremendous genius of its scientists, its laboratories, its universities, its researchers, and the tens of thousands of facilities devoted to the improvement of human health and comfort, to the extension of life, to better communication and transportation. Its great throbbing and thriving industries have blessed the entire world. The standard of living of its people has been the envy of the entire Earth. Its farmlands have yielded an abundance undreamed of by most people of the Earth. The entrepreneurial environment in which has grown its industry has been the envy of and model for many other nations."

President Hinckley's patriotism inspired him to great acts of civic service, in addition to his church duties. He was a chairman or board member of many businesses and educational entities. He received honorary doctorates from five colleges and universities, the Distinguished Service Award from the National Association for the Advancement of Colored People, the Silver Buffalo Award from the Boy Scouts of America, and special recognition for his contributions to tolerance from the National Conference of Christians and Jews.

President Hinckley's ministry earned him national prominence. In 2004, President George W. Bush awarded our prophet with the Presidential Medal of Freedom, the Nation's highest civil award. President Hinckley was one of the spiritual leaders President Bush invited to the White House following the

September 11 attacks. It was a great honor, both for him and our faith, that the President invited him to that gathering. A few months later, on the eve of the Winter Olympics in 2002, President Bush said, "President Hinckley represents a great religion, he is a strong part of the American scene."

But President Hinckley never let his love of the United States obscure his vision for the rest of the world. Prior to becoming the LDS president in 1995, Hinckley supervised the church's organization in Asia, Europe, and South America. During his tenure, the number of members living inside North America was surpassed by those living outside of it. The nations of the Earth heard his voice and he brought them a knowledge of the truth by the wonderful testimony which he bore.

As president, he administered to both the ecclesiastical and temporal needs of the church, whose 13 million members are spread over some 160 nations and territories. President Hinckley lifted his voice on every continent, in cities large and small, from north to south and east to west across this broad world. One global vision President Hinckley had for the LDS Church was a perpetual education fund, whereby members in wealthier nations could donate to the education of those in developing nations, thereby empowering them to help themselves and strengthening the infrastructure in struggling parts of the world, particularly Latin America.

When he became president of the church in 1995, the church had only 47 temples, our special meeting houses such as the magnificent one in nearby Kensington, MD. Thanks to President Hinckley's vision of expansion, today there are 124 in operation, and 12 more are under construction.

One of his first messages upon becoming our prophet in 1995 was a proclamation to the world, declaring the divine nature of the family unit and providing direction on how to nurture strong family relationships. There is no greater duty or privilege among the Latter-day Saints than to serve our families. President Hinckley admirably demonstrated that service as a grandfather, father, and husband to his eternal companion, Marjorie, who walked side by side with him for two-thirds of a century.

Now he and Marjorie are walking together in the fields of paradise, enjoying a richly deserved peace in the Lord. I am sure at this time he would remind us that death is the great equalizer. No matter what a man or woman may accomplish in this life, this final inevitability is waiting for them. Shortly before his own passing, perhaps seeing the end was nigh, President Hinckley told church members, "A man must get his satisfaction from his work each day, must recognize that his family may remember him, that he may count with the Lord, but beyond that, small will be his monument among the coming generations."

Our heads are bowed now, as we bid him farewell. Gordon Bitner Hinckley joins the ranks of departed prophets, on whose shoulders he stood and in whose mighty company he can now proudly mingle. God be with you, our friend, till we meet again.

I have to say, he stood for everything that was good, and I love him.

I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SPECTER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

FISA

Mr. SPECTER. Mr. President, I have sought recognition to speak briefly in opposition to the motion to invoke cloture. The amendment which I have filed goes to the heart of the issue on removing liability from the telephone companies to impose retroactive immunity. The amendment which I have filed and has been discussed on the floor of the Senate would substitute the Government for the party defendant, where the Government would have the same defenses—no more, no less.

For example, the telephone companies do not have the defense of governmental immunity; and the Government, when substituted, would not have the defense of governmental immunity. The telephone companies can plead state secrets to foreclose the litigation; and when the Government would be substituted, for example, the Government could assert the doctrine of state secrets in order to foreclose the litigation.

If the motion to invoke cloture is granted, I am advised by the Parliamentarian my amendment would not be germane and, therefore, would be stricken. We went through a long session last year where the argument was made, repeatedly and persuasively, not to invoke cloture—the argument advanced on this side of the aisle—in order to give Members on this side of the aisle an opportunity to propose their amendments. Now we have the first situation sought to be applied, and it is my hope this body will reject the cloture motion.

There has been very little time spent on this very important subject in this body, and when you have a matter of the importance of retroactive immunity, where you are going to shut off the courts of the United States from hearing cases that are already pending, there ought to be time for consideration of an amendment such as the one Senator WHITEHOUSE and I have offered to substitute the U.S. Government.

The purpose of our amendment is to comport with the basic constitutional provision of separation of powers,

which is the cornerstone of the Constitution, and we have found, regrettably, it has been inadequate to have congressional supervision, congressional oversight, because of its ineffectiveness. For example, when the Judiciary Committee seeks to obtain records on the destruction of CIA tapes, you find the administration resisting and the inevitable argument of politics. When the court issues an order, as the Federal Court did last week for a report on the destruction of documents, seeking to find out what happened on the destruction of the CIA documents, the court can't be charged with politics. We find in *Rasul*, and in other litigation matters, the judicial branch has been effective in maintaining the separation of power.

One further comment. It is a surprise to me that the amendment which I have offered with Senator WHITEHOUSE has been ruled nongermane. I took a look at Webster's International Dictionary and germane is defined as:

closely or significantly related; relevant; pertinent; closely akin.

I consulted with a Parliamentarian and asked why our amendment was ruled as nongermane, and the answer given was because there was no specific statement of the underlying bill on governmental liability. In pursuing the issue with the Parliamentarian, I then said: I am going to seek to change the rules.

It seems to me peculiar, if not absurd, that my amendment, the Specter-Whitehouse amendment, would not be germane under the common meaning of the English language. I said: Suppose we change the rules to provide that it was relevant? And the answer I got, and I don't want to misquote anybody, was that: Yes, that would stand the test of relevancy. As he put it, a more permissive standard.

So then I checked the definition of relevant in Webster's International Dictionary, and it says:

Bearing upon or connected with the matter in hand; to the purpose; pertinent, raise, lift up, syn applicable, germane, appropriate, suitable, fitting.

Well, the key part about the definition of relevant is that one of the synonyms is germane, just as one of the synonyms of germane is relevant. Now, it is a loss to me. I have been here a while, and I have had a hard time understanding the ruling of what is germane, and I have never seen one as close to the core point as putting the Government as a substitute for the telephone companies, but somehow it is not germane.

So I wish to put my colleagues on notice that I intend to try to change the rules. I can't see why one is necessary when Webster's has germane as a substitute for relevant and relevant as a substitute for germane. If the Parliamentarian thinks that relevant is OK, it is, again, hard for me to see why germane is not. A little surprising.

Mr. DORGAN. Mr. President, will the Senator yield for question? I don't want to interrupt his comments.